REMARKS:

Claims 3 and 4 were rejected under 35 USC 112 as indefinite for use of the term 'PPARα'. As the examiner can see, these claims have been amended to refer to 'peroxisome proliferation-activated α-receptor', support for which may be found at least on page 1 of the application as filed.

Claims 3 and 4 were rejected under 35 USC 112, first paragraph, for referring to 'preventing' a disease. As the examiner can see, reference to prevention has been deleted from claim 3.

Claims 3 and 4 were rejected under 35 USC 102(b) in view of Ahlem et al. (US Published Patent Application 2003/0060425). Specifically, the office action states that 'Ahlem et al. teaches that the compounds of formula I which can behave as a PPAR agonist or antagonist (paragraph [0682]). Furthermore, "the formula I compounds are useful for preventing, slowing the progression of or treating chronic renal failure in a subject" (paragraph [0709]).'

Applicants respectfully note that paragraph 0682 in fact reads 'method 1 allows one to determine one or more effects of a formula 1 compound on a steroid receptor'. Thus, this reference does not teach that the 'compounds of formula' can behave as PPAR agonists or antagonists but rather teaches a method for determining if 'compounds of formula 1' behave as PPAR agonists or antagonists. This is supported by the fact that the last step of the described method reads 'and (g) optionally classifying the test compound as an agonist or an antagonist of the steroid receptor, or a neutral compound having little or no

detectable effect'. Thus, this reference teaches that it might be 'worth a try' to determine if 'compounds of formula 1' have agonist or antagonist activity against any one of a number of steroid receptors (SXR, CARβ, RXR, PXR, PPARβ, PPARγ and PXR are given as examples in addition to PPARα) but offers no guarantee of success.

It is further noted that as discussed above, paragraph 0682 describes a method for testing compounds of formula 1 for agonist or antagonist activity and does not state that these compounds are PPARα agonist or antagonists and as such it is believed that the disclosure of paragraph 0709 is moot.

However, in the event that the examiner does not agree, regarding paragraph 0709, applicants agree that it is stated that the 'compounds of formula 1' are effective at treating chronic renal failure. However, no evidence is provided and no mechanism describing how or why these compounds would be effective at treating chronic renal failure is provided. As such, the use of these compounds to treat chronic renal failure is commented on but does not appear to be enabled. Applicants further note that many such uses for the compounds of formula 1 are described by Ahlem et al. For example, paragraph 0705 states that the compounds 'will, in some cases, modulate (increase or decrease) transcription of one or more genes in the cells'; paragraph 0707 states that the compounds will 'exert a cytostatic effect on a subject's cells'; paragraph 0708 states that the compounds are 'useful in enhancing β-cell function in the islets of Langerhans'; paragraph 0710 states that the compounds may be used to 'modulate the

biological activity of cytiokines or interleukins' and paragraph 0711 states that the compounds may be used to 'modulate immune functions'.

Accordingly, it is believed that Ahlem et al. do not teach that the 'compounds of formula 1' have PPARα agonist or antagonist activity, only that these compounds may have such activity and a testing method is described. Furthermore, Ahlem states that the compounds can be used to treat chronic renal failure but provides no evidence, guidance or mechanism explaining how this would be the case.

In view of the foregoing, further and more favorable consideration is respectfully requested.

Respectfully submitted

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Enc.()

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